

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-
GUERRA, MICHAEL MAERLENDER, BRANDON
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON WILLIAMS,
individually and on behalf of all others similarly situated,

Case No.: 1:22-cv-00125-MEK

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,
THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF DARTMOUTH
COLLEGE, DUKE UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

JOINT MOTION TO ENTER PROPOSED CASE MANAGEMENT ORDER #2

The parties jointly move the Court to resolve one scheduling dispute and enter the following Case Management Order in accordance with the Court's ruling during the hearing on November 28, 2023 (extending the period for fact discovery by 49 days), and the Court's Order dated November 28, 2023.

The parties have worked cooperatively to arrive at the proposed schedule attached as Appendix 1 in accordance with the 49-day extension, with a couple of small deviations to avoid weekends and major holidays. The parties have a dispute, however, on whether the Court's ruling applied to the deadline to file motions with respect to written discovery.

Plaintiffs submit that in extending fact discovery by 49 days, without caveat and given the relief Plaintiffs sought in requesting the extension, the Court also extended the deadline for motions with respect to written discovery, such that the new deadline for such motions should be January 3, 2024. Plaintiffs' Motion to Modify Case Management Order # 1 requested to move this deadline in tandem with moving all the other discovery deadlines, *see* Dkt. No. 498 at 12, 14, and extending this deadline comports with the purpose of the extension. That is, Plaintiffs respectfully submit that it would not make sense to extend discovery but not also extend the dates for the parties to address any ongoing issues with discovery. Defendants' argument to the contrary would substantially undercut the utility of the ongoing discovery, which is an issue the Court would have analyzed during the hearing on November 28, 2023, if it had been on the table as a condition of the discovery extension. Defendants did not oppose extending this specific deadline in their opposition or at the hearing, and had they wanted such an unusual schedule going forward, they should have asked the Court at that time.

Certain defendants¹ disagree that this deadline was or should be extended from November 15, 2023 to January 3, 2024, as suggested by Plaintiffs. Plaintiffs filed their Motion to Extend CMO #1 [ECF 499] on November 15, 2023, the last day to file motions with respect to written discovery, and the Court's 49-day extension related to fact discovery and the corresponding dates after that. The parties agreed to serve, respond to and file motions related to written discovery before November 15, 2023. Plaintiffs' motion to extend the schedule was focused on deposition dates, and the Court's order extending the date to complete depositions should have no impact on motions with respect to written discovery that had been served before November 15, 2023. To the extent additional written discovery is served or answered after November 15, 2023, Defendants agree that motions should be permitted with respect to that discovery after the November 15, 2023 deadline.

Dated: December XX, 2023

Respectfully Submitted,

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¹ These defendants are California Institute of Technology, Cornell University, Georgetown University, The Johns Hopkins University, Massachusetts Institute of Technology, University of Notre Dame du Lac, and the Trustees of the University of Pennsylvania.

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Appendix 1

<u>EVENT</u>	<u>DEADLINE</u>
Motions with Respect to Written Discovery	[]
Close of Fact Discovery	March 20, 2024
Opening Expert Reports (Class Certification and Merits) on All Issues on Which a Party Has the Burden off Proof	May 3, 2024
Opposition Expert Reports (Class Certification and Merits)	July 15, 2024
Rebuttal Expert Reports (Class Certification and Merits)	September 30, 2024
Close of Expert Discovery	November 12, 2024 ²
<i>Daubert</i> Motions	December 16, 2024
Motion for Class Certification	December 16, 2024
<i>Daubert</i> Oppositions	January 13, 2025
Opposition to Motion for Class Certification	January 13, 2025
<i>Daubert</i> Replies	February 18, 2025
Reply in Support of Class Certification	March 7, 2025

² Expert depositions are to be taken during the period between September 30, 2024 and November 12, 2024.

<i>Daubert</i> and/or Class Certification Hearing	Court's discretion
Summary Judgment Motions	May 7, 2025
Summary Judgment Oppositions	June 9, 2025
Summary Judgment Replies	August 11, 2025
Summary Judgment Hearing	Court's discretion
Pre-Trial Conference	Court's discretion
Trial	Court's discretion